

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Viana B. Bailey,

5 Plaintiff

6 v.

7 William Oscar Harris, et al.,

8 Defendants

Case No.: 2:15-cv-02279-JAD-GWF

**Order Adopting Report and
Recommendation, and
Dismissing Action, and
Denying Motions as Moot**

[ECF Nos. 10, 11, 22]

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10 In January of this year, when virtually nothing had occurred in this case, it appeared to
11 Magistrate Judge George Foley, Jr. that this case lacks an actual case or controversy. So he ordered
12 the parties to show cause why this case should not be dismissed for lack of an actual dispute and
13 failure to prosecute it.¹ Plaintiff's response confirms that "Although a legitimate dispute did in fact
14 exist for adjudication at the filing of this initial Complaint . . . no such remaining controversy lies
15 before this Court" because "the parties . . . have formally moved forward to [an] agreed arbitration
16 forum to resolve their remaining controversies."² The magistrate judge found that [t]he parties have
17 failed to present a discernible issue in dispute or that the parties have a legally cognizable interest in
18 the outcome of the litigation."³ He also noted that plaintiff "even represents that there is no longer a
19 controversy before the Court," and he concludes that "there does not appear to be an actual dispute
20 between real parties." He thus recommends that this case be dismissed and closed.⁴

21 "[N]o review is required of a magistrate judge's report and recommendation unless
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25 ¹ ECF No. 17.

26 ² ECF No. 20.

27 ³ ECF No. 22 at 3.

28 ⁴ *Id.*

1 objections are filed.”⁵ The deadline for objections has passed, and no party has filed an objection to
2 the magistrate judge’s recommendation. Accordingly, and with good cause appearing,

3 It is hereby ORDERED that Magistrate Judge Foley’s Report and Recommendation [ECF
4 No. 22] is **ACCEPTED** and his findings and conclusions are adopted;

5 It is further ORDERED that **this case is DISMISSED**. All pending motions [ECF Nos. 10,
6 11] are **DENIED** as moot. And the Clerk of Court is instructed to **CLOSE THIS CASE**.

7 DATED June 20, 2017

8 
U.S. District Judge Jennifer Dorsey

27 ⁵ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S.
28 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).